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Attorneys for Defendant JPMorgan Chase Bank, N.A.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MERRILL LYNCH BUSINESS FINANCIAL
SERVICES, INC.,

Plaintiff,

v.

ARTHUR KUPPERMAN, E. ROSS
BROWNE, PAULETTE KRELMAN, PGB
INTERNATIONAL, LLC, and JPMORGAN
CHASE BANK, N.A.,

Defendants,

and

IFIG USA, INC., JOHN DOES (1-10) and ABC
CORPORATIONS (1-10),

Additionally Defendants
on the Crossclaim.

CIVIL ACTION

Civil Action No. 06-4802 (DMC)

**NOTICE OF MOTION FOR
SUMMARY JUDGMENT ON CHASE'S
COUNTERCLAIM AGAINST MLCFC
AND FOR A DECLARATION THAT
THE WRITS OF ATTACHMENT
ENTERED IN THIS ACTION ARE FOR
THE BENEFIT OF BOTH CHASE AND
MLCFC**

**Hearing Date: November 2, 2009 at 10:00
a.m.**

TO: All persons on the attached service list.

PLEASE TAKE NOTICE that on November 2, 2009 at 10:00 am, or as soon thereafter as counsel may be heard, defendant JPMorgan Chase Bank, N.A. ("Chase"), by and through its attorneys, Herrick, Feinstein LLP, shall move before the Honorable Dennis M. Cavanaugh, U.S.D.J., at the United States District Court, 451 U.S. Post Office Courthouse Building, Federal Square, Newark, New Jersey, for the entry of an Order (i) declaring and

adjudging that Chase holds a first priority security interest with respect to all assets of defendant PGB International, LLC (“PGB”), entering judgment on Chase’s counterclaim (the “Counterclaim”) against plaintiff Merrill Lynch Commercial Finance Corp. (“MLCFC”), as assignee of the interest of Merrill Lynch Business Financial Services Inc., and directing any person or entity owing money to PGB to pay such money directly to Chase; and (ii) declaring and adjudging that the writs of attachment entered in this action are for the benefit of both Chase and MLCFC and, on any judgment entered in this action, Chase is entitled to recover on a first priority basis against PGB and ratably with MLCFC from any remaining assets.

PLEASE TAKE FURTHER NOTICE that in support of its motion, Chase shall rely upon the accompanying Memorandum of Law, Statement of Uncontested Material Facts and the Declarations of John M. August and Wayne E. Olson. A proposed form of Order is attached.

PLEASE TAKE FURTHER NOTICE that Chase respectfully requests oral argument if this motion is opposed.

HERRICK, FEINSTEIN LLP
Attorneys for JPMorgan Chase Bank, N.A.

By: /s/ John M. August
John M. August

Dated: September 30, 2009

SERVICE LIST

Randall M. Lending, Esq., *Attorney for plaintiff Merrill Lynch Commercial Finance Corp.*

A. Michael Covino, Esq., *Attorney for defendants PGB International LLC and Arthur Kupperman*

John P. Gleason, Esq., *Attorney for Interested Party Empress Lourdes, S.A.*

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